
HOUSE BILL No. 1579

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-26-1.

Synopsis: Driver and passengers at scene of accident. Establishes procedures for a driver or occupant of a vehicle involved in accidents resulting in injury to or death of a person, if the driver or occupant is physically and mentally capable of following the procedures. Makes it a Class C misdemeanor for a driver to fail to remain at the scene of the accident or for a passenger to fail to provide necessary information and render reasonable assistance at the scene of an accident resulting in injury or death if the driver is incapacitated. Provides that a passenger who fails to remain at the scene of an accident resulting in injury or death until released by authorities commits a Class B infraction.

Effective: July 1, 2003.

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January 16, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1579

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 1. The driver of a vehicle involved
3 in an accident that results in the injury or death of a person shall do the
4 following **if physically and mentally capable of doing so**:

5 (1) Immediately stop the vehicle at the scene of the accident or as
6 close to the accident as possible in a manner that does not
7 obstruct traffic more than is necessary.

8 (2) Immediately return to and remain at the scene of the accident
9 until: ~~the driver does the following~~:

10 (A) **the driver** gives the driver's name and address and the
11 registration number of the vehicle the driver was driving **to**:

12 (i) **the driver of every other vehicle involved in the**
13 **accident; or**

14 (ii) **the person struck, if the driver's vehicle struck a**
15 **person who was not a driver or passenger of another**
16 **vehicle;**

17 (B) ~~upon request, the driver~~ exhibits the driver's license of the



driver ~~to~~ **upon the following request of:**

- (i) the person struck, **if the driver's vehicle struck a person who was not a driver or passenger of another vehicle; or**
- (ii) the driver or occupant of or person attending ~~each~~ **another** vehicle involved in the accident;

(C) **the driver** determines the need for and renders reasonable assistance to each person injured in the accident, including the removal or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment; **and**

(D) **the law enforcement agency responding to the notice given under subdivision (3) arrives at the scene, investigates the accident, and releases the driver from the investigation.**

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department, if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the state police department.

SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. (a) This section does not apply to the driver of a vehicle involved in an accident resulting in the injury or death of a person.**

(b) An occupant of a vehicle involved in an accident resulting in the injury or death of a person shall do the following if physically and mentally capable of doing so:

(1) Remain at the scene of the accident until a representative of the law enforcement agency investigating the accident releases the occupant from the scene.

(2) File a report with the state police department, if required to do so under section 5(2) of this chapter.

SECTION 3. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 6. (a) If:**

(1) the driver of a vehicle is physically or mentally incapable of complying with section 1(2)(A), 1(2)(C), and 1(3) of this chapter; and

(2) there is another occupant in the vehicle at the time of the accident who is capable of complying with section 1(2)(A),

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1 **1(2)(C), and 1(3) of this chapter;**
 2 **the occupant referred to in subdivision (2) shall carry out or cause**
 3 **to be carried out the actions required by section 1(2)(A), 1(2)(C),**
 4 **and 1(3) of this chapter.**

5 **(b) If:**

6 (1) the driver of a vehicle is physically **or mentally** incapable of
 7 making an immediate or a written report of an accident as
 8 required by this chapter; and

9 (2) there ~~was~~ **is** another occupant in the vehicle at the time of the
 10 accident **who is** capable of making an immediate or a written
 11 report;

12 the occupant **referred to in subdivision (2)** shall make or cause to be
 13 made the report not made by the driver.

14 ~~(b)~~ **(c) If:**

15 (1) the driver of a vehicle is physically **or mentally** incapable of
 16 making an immediate or a written report of an accident as
 17 required by this chapter;

18 (2) there ~~was~~ **is** no other occupant **in the vehicle**; and

19 (3) the driver is not the owner of the vehicle;

20 the owner of the vehicle involved in the accident shall, within five (5)
 21 days after the accident, make the report not made by the driver.

22 SECTION 4. IC 9-26-1-8 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) A person who fails to stop or
 24 comply with section 1(1), ~~or 1(2)~~ **1(2)(A), 1(2)(B), or 1(2)(C)** of this
 25 chapter after causing injury to a person commits a Class A
 26 misdemeanor. However, the offense is:

27 (1) a Class D felony if:

28 (A) the accident involves serious bodily injury to a person; or

29 (B) within the five (5) years preceding the commission of the
 30 offense, the person had a previous conviction of any of the
 31 offenses listed in IC 9-30-10-4(a); and

32 (2) a Class C felony if the accident involves the death of a person.

33 (b) A person who fails to stop or comply with section 3 or 4 of this
 34 chapter after causing damage to the property of another person
 35 commits a Class B misdemeanor.

36 SECTION 5. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2003]: Sec. 9. A person who **knowingly or**
 38 **intentionally** violates:

39 **(1) section 1(2)(D) of this chapter;**

40 **(2) section 1(3) of this chapter;**

41 **(3) section 2(1) or of this chapter;**

42 **(4) section 2(2) of this chapter; or**



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1 **(5) section 6(a)** of this chapter;
2 commits a Class C misdemeanor.

3 SECTION 6. IC 9-26-1-11 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2003]: **Sec. 11. A person who violates section 1.5(b)(1) of this**
6 **chapter commits a Class B infraction.**

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